

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCIA RUTLEDGE,

Plaintiff,

v.

Case No. 05-74067

COMMISSIONER OF SOCIAL
SECURITY,

Honorable Patrick J. Duggan

Defendant.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on March 21, 2007.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On October 24, 2005, Plaintiff filed this lawsuit challenging a final decision of the Commissioner regarding Plaintiff's application for Social Security Disability Insurance Benefits and Supplement Social Security Income. On the same day, this Court referred Plaintiff's case to Magistrate Judge R. Steven Whalen. On April 12, 2006, Defendant filed a motion to dismiss.

On January 24, 2007, Magistrate Judge Whalen filed his Report and Recommendation (R&R) recommending that this Court grant Defendant's motion and dismiss Plaintiff's complaint without prejudice. At the conclusion of the R&R,

Magistrate Judge Whalen advised the parties that they may object and seek review of the R&R within ten days of service upon them. He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” R&R 6 (citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Secretary of HHS*, 932 F.2d 505 (6th Cir. 1991); and *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)). Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Whalen.

Accordingly,

IT IS ORDERED, that Defendant’s motion to dismiss is **GRANTED** and Plaintiff’s complaint is **DISMISSED WITHOUT PREJUDICE**.

PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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AUSA Janet Parker
Magistrate Judge R. Steven Whalen